

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM DURHAM, JR.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-297 Erie
)	
CITY AND COUNTY OF ERIE, et al.,)	
)	Electronically Filed
Defendants.)	

DEFENDANT'S MOTION FOR EXTENSION OF TIME

AND NOW, comes the defendant, Bruce Tackett, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Kemal Alexander Mericli, Senior Deputy Attorney General, Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, who respectfully submits the following:

1. Plaintiff filed a motion for summary judgment on January 9, 2006.
2. On that date a report and recommendation that any claim against defendant Tackett be dismissed on statute of limitations grounds remained unimpaired. On January 10th, however, it was set aside by this Honorable Court's Memorandum Order.
3. It is unclear if the motion for summary judgment pertains to Mr. Tackett under the circumstances and from its language. This extension is sought in an abundance of caution in case it does.
4. While every reasonable effort is being made by the Office of Attorney General to resolve the staff shortage caused by Mr. Torbic's recent departure for a position in U.S. Steel's law department and Mr. Bareford's recall to active duty with the Marine Corps, and

it is anticipated to be resolved any day now, with capable candidates having been selected for appointment, as yet is not the case.

5. Since the Memorandum Order, undersigned counsel has answered two habeas petitions in Reese and Rivera, prepared for and attended a mediation on a Pennsylvania State Police shooting case before former Chief Judge Ziegler, Hickenbottom v. Nassan and settled a counseled case set for jury trial on a 1983 claim for illegal search before Judge Cercone, Valensky v. Laughlin, at the pretrial conference and is preparing for a pro se jury trial before Conti, J., on February 13th in Gelnett v. Beard.

6. Counsel requests thirty (30) days to study the matter of whether a response is required and if so to file one.

WHEREFORE, it is respectfully requested that an extension of time be granted until March 10, 2006.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: s/Kemal Alexander Mericli
Kemal Alexander Mericli
Senior Deputy Attorney General
Attorney I.D. No. 27703

Susan J. Forney
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: February 8, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Defendant's Motion for Extension of Time was served upon the following via electronic or first-class mail on February 8, 2006.

Warren Durham, Jr.
2304 French Street
Erie, PA 16502

Edmond R. Joyal, Jr., Esquire
Law Office of Joseph S. Weimer
975 Two Chatham Center
Pittsburgh, PA 15219

Mark E. Mioduszewski, Esquire
Tracey D. Bowes, Esquire
120 West Tenth Street
Erie, PA 16501-1461

s/Kemal Alexander Mericli
Kemal Alexander Mericli
Senior Deputy Attorney General

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Date: February 8, 2006